



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,339	12/23/2005	Yasuyuki Tanoue	450100-05124	4132

7590  
William S Frommer  
Frommer Lawrence & Haug  
745 Fifth Avenue  
New York, NY 10151

06/08/2009

EXAMINER

AURORA, REENA

ART UNIT

PAPER NUMBER

2858

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,339

**Applicant(s)**

TANOUE, YASUYUKI

**Examiner**

Reena Aurora

**Art Unit**

2858

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 5 and 7 - 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 and 7 - 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to amendment received on 3/16/09.

Claims 1 – 5 and 7 – 12 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5 and 7 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaku (2002/001468).

As to claims 1 – 5, 7 - 8 and 11 - 12, Kaku discloses a system and method of image collection comprising an imager (40, camera system, fig. 1) which takes an image; a communicator (20) which transmits/receives a signal to/from at least one external imaging apparatus (40, capture characteristic system) [0096, 0097]; a display controller (60) which is operable to display the image taken by the imager (40, camera system) and at least one received image taken by and transmitted from the at least one external imaging apparatus (40, capture characteristic system) and received by the communicator (60); an image recognizer (320) which recognizes an image in which an object having set characteristics is present within the image taken by the imaging apparatus and the at least one received image [0181]; and a recording controller (100) operable to control the recording of one or more selected images according to a result

of an image recognition executed by the image recognizer on the image taken by the imager and the at least one received image [0013].

As to claim 9, Kaku discloses a system and method of image collection comprising an image receiver imager (40, camera system, fig. 1) which receives a signal of each of a plurality of images including at least one image taken by and transmitted from at least one external imaging apparatus (40, capture characteristic system) [0096, 0097]; a display controller (60) operable to display the inputted image and the at least one image received by the image receiver; an image recognizer (320) which recognizes an image in which an object having set characteristics is present within the inputted image and the at least one received image; and a recording controller (100) operable to control the recording of one or more selected images according to a result of an image recognition executed by the image recognizer on the inputted image and the at least one received image [0013].

As to claim 10, Kaku discloses a system and method of image collection comprising transmitting a signal of an image taken by the each imaging apparatus (40, camera system, fig. 1) to at least one of the other imaging apparatus, and receiving at least one signal of an image (40, capture characteristic system) [0096, 0097] or images taken by the other imaging apparatuses; displaying (60) the image taken by the each imaging apparatus, and the at least one image received from the other imaging apparatuses on a screen; recognizing (320) an image in which an object having set characteristics is present within the image taken by the each imaging apparatus and the at least one received image; and controlling (100) the recording of one or more selected

images according to a result of the image recognizing step on the image taken by the each imaging apparatus and the at least one received image [0013].

***Response to Arguments***

Applicant's arguments with respect to claims 1 – 5 and 7 - 12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora  
/Reena Aurora/  
Primary Examiner, Art Unit 2858